

AN EFFORT TOWARD ENDING THE PRACTICE OF AGRICULTURAL BONDAGE IN NEPAL

*This publication is based on the information derived from the RRN implemented project on
"Freedom from Forced Labor and Modern Slavery"*



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The Context of Bonded Labor

The origin of the system of Bonded Labor in Nepal was in the Tharu practice of Kamaiya in the western region. For generations this system sustained as a patron-client relationship. Though the system was relatively non-abusive, yet it was exploitative. After the banning of Kamaiya labor with the enforcement of Bonded Labor (Prohibition) Act – 2002, which represents a significant milestone in Nepal's struggle to eliminate all forms of Bonded Labor particular focused on the Kamaiya system, the landlords moved towards share-cropping. Furthermore, the share cropping in Nepal which has led to neo-bondage is seasonal in nature and the bondage in the sector is not recognized by the State. Money is required to meet the cost of bulls, tools and other resources which are often taken in the form of loan and deducted from the shared crop (neo-bondage called Zirayat)¹. The eastern region of Nepal including Saptari and Siraha districts and Dang in western Nepal have seen the rise of new forms of bonded labor in share cropping. Close to 95 per cent of Harawa-Charuwa households and 94 per cent of *Haliya* households in this region are affected by forced labor². Ten per cent of all adult males; six per cent of adult females and one-quarter of the Tarai Dalits were in forced labor. Landlords and moneylenders

often force them to pay 60 per cent interest on their survival needs. Wage payments are mostly in-kind and the cash value is only 50-60 percent of the minimum wage declared by the government. Endemic poverty, wage exploitation, and access to land, health and quality education continue to be major problems. Due to high rates of interest and low wages, there are few chances to exit the debt bondage that has been established.

There exist significant gaps in the implementation of these laws in Nepal. While the Bonded Labor Act has proved effective in rescuing workers from bondage, convictions are rare, also does not take into account neo-bondage. New patterns of bondage can also be seen in large and small scale commercial agriculture, where seasonal unemployment has led to conditions of bondage involving the debt based attachment of casual and migrant workers³, as it forces laborers to take advances against their salaries leading them into a debt trap with low wages and exploitative conditions of repayment. Given this situation, the project aimed at creating evidence of existence of bondage, prevent bondage through working with potential bonded laborers and work with the government through advocacy measures to prevent vulnerable families from getting trapped in bondage.

The Project's Rationale and Objectives

In Nepal, the agricultural laborers are unorganized; hence they are forbidden and neglected. They are subjugated because they are unaware of their exploitation as well as the rights available to them. Social exclusion, caste-based discrimination,

poverty, lack of skills as well as awareness on rights are the key factors contributing to their exploitation under forced labor, besides being debt bondage as one of the most significant causes. Given these contexts, Rural Reconstruction Nepal-RRN,

1. Upadhyaya, Krishna (2004) *Bonded Labour in South Asia: India, Nepal and Pakistan*

2. ILO (2013). *Forced Labour of Adults and Children in the Agriculture sector of Nepal*:

3. ILO (2017)

with the support from the European Union through Action Aid - India, implemented a project in Siraha and Saptari districts in the eastern Tarai region and Dang district in the western region of Nepal because of high prevalence of neo-bondage in the agriculture sector. The project aimed at

combating bonded labor prevalent in the agriculture sector of Nepal and breaking the cycle of such bondage through prevention as well as promotion of rights' consciousness and building leadership of potential bonded laborers.

The Project's Efforts and Effects

In the context of continued prevalence of the bonded labor system owing to unawareness of rights amongst the laborers and the passivity of law enforcement officials resulting in hidden bondage, the project targeted not only those who are currently in bondage (experiencing forced laborer) but also the people from

vulnerable communities who are being referred to as 'potential bonded laborers'. The project made concerted efforts in order to provide them as well as their household members with preventive and accompanying measures, besides promoting decent work, basic social security and strong workers organizations.

Project Beneficiaries

The project's beneficiaries were identified through a rights-based approach: the needs, vulnerabilities and rights of workers including women as well as the duties and capacities of the state and other actors have been factored in, in order to establish target groups. The project established a total of 50

social support structures/groups (30 Community Based Organizations, 10 Worker Collectives, 7 Vigilance Committees and 3 Task Force Committees) covering a total of 812 (589 female and 223 male) direct and 4547 (3865 female and 682 male) indirect beneficiaries.

CBO formation at Surunga, Saptari District



Project's Strategy

The project adopted a dual-pronged strategy comprising 'Social mobilization' and 'Economic empowerment' to catalyze transformative change with the complex issue of bonded laborers in the agriculture sector by establishing effective systems and mechanisms for prevention from bondage and enhancing access to human rights and entitlements. Basically, the project was designed to combating bonded labor (a form of forced labor/modern slavery) prevalent in the agriculture sector of Nepal, and breaking the cycle of bondage through prevention as well as promotion of rights' consciousness and building leadership of potential bonded labor and economic empowerment.

Instead of working in a stand-alone fashion, the RRN opted to work in coordination and collaboration with relevant public and non-public organizations operating in the project districts. Because

of the coordinated efforts of the public and private organizations, the project activities have been appreciated as being relevant and effective in addressing the issues of bonded labor of Harawa-Charawa by the local governments and other relevant agencies (for example, Center for Technical Education and Vocational Training and human rights organizations operating in the project districts). This was expressed by the participating civil society and human rights organizations (e.g., Mukta Kamaiya Samaaj, Rastriya Bhumi Adhikar Manch in Dang, Gramin Mahila Utthan Sangh in Dang district; and Rastriya Harawa-Charuwa Manch, Dalit Bikas Manch in Sihara district; and Harawa-Charuwa Manch, Harawa-Charuwa Mukti Abhiyan, Jan Chetana Dalit Sangam, etc. in Saptari district) during the Review Meetings of the Project held in each project district.

Project's Effects

i) Effects of Social Mobilization

In the process of social mobilization, the RRN formed and provided support for the establishment and functioning a number of social support structures (namely, collectives groups, vigilance committees and community based organizations) consisting of women and men members belonging to the potential bonded labor households. at the community level. The project made concerted efforts to strengthen the capacity of these local organizations' members so that they could tackle their human, labor rights and other social issues. The project consistently sensitized the beneficiaries through various activities, i.e.,

reflection-discussion, group meetings, national and international day related campaigns, legal and financial literacy training, and human rights training. Through continual sensitization and awareness activities, many of the collective groups' members became aware of their fundamental and human rights to obtain services and entitlements (e.g., equal wage for men and women, government law on minimum wage for workers, social security allowances, child-nutrition allowance, disability allowance, obtaining citizenship certificates, etc.) from the government.

The beneficiary communities have utilized their groups as a forum or

meeting point to work together towards their common goals. Holding of frequent meetings and discussions on their issues provided them with opportunities to articulate their voices and priorities and assume equal members of the community – they have found a way to mobilize themselves. As a result of having been socially capacitated, the communities belonging to different social support structures initiated demanding for the basic services and claiming the rights they are supposed to get from the government agencies. A number of members have been able to acquire citizenship certificates through vigilance committee/workers collectives that have emerged as the effective forum at the community level in protecting and

promoting the rights of the people, and preventing them from becoming (new form of) bonded labor.

As a result of joining of these local social support structures, the beneficiaries have increased their awareness level of their human rights issues such as legal and labor rights, women's rights and on social issues such as child and early-marriage, and domestic violence, gender and caste based discriminations, etc., besides improving their confidence levels for claiming such rights. Over time, some of the beneficiaries have been successful in claiming and achieving their rights and entitlements (social security allowances, disaster relief materials, Covid-19 victim allowances, etc.) and make decisions that potentially affect their own lives.



Community Mobilizer sensitizing CBO members about labor rights and laws.

The members also mentioned various types of benefits (e.g., receipt of services and facilities (such as social security allowances, Covid-19 victim allowances, skill training, citizenship certificates, etc.) they received from the local governments and other agencies because of the strong

advocacy activities. The beneficiary communities expressed that there has been more harmony in the community and reduction in social vices, e.g., decreased rate of domestic violence, alcohol drinking, early/child-marriage, etc.



Project beneficiaries and the communities observing the 111th International Women's Day in Lamahi Municipality of Dang district.

Vigilance Committee's Miracles

During the discussion with a RRN supported vigilance committee at Surunga Municipality in Saptari district, the beneficiary participants said that by being with the vigilant committee they have become outspoken; hence they are able to express their views freely. During their monthly meeting they discuss on such issues as child-marriage, domestic and gender based violence, equal wage, caste and gender-based discrimination, obtaining citizenship certificates, inter-caste marriage, etc. They said that, earlier on, they were not aware of the ways to resolving these issues; and now they are quite aware of these social issues. They also said that because of dealing through the vigilant committee in the form advocacy activity, the local governments (Ward and Palika Offices) have also positively responded to their demands and voices. They mentioned two significant successes their committee achieved, i.e., (i) disbursement of budget from the Ward Office for conducting vocational skill training for the vigilance committee members and (ii) the Ward Office facilitated the administrative procedures for obtaining citizenship certificate from the District Administrative Office of Saptari district for 7 vigilant committee members, besides 5 non-committee members.

The vigilance committee members said that until they obtained their citizenship status, they used to feel as if they were just de-facto part of the society, and their disenfranchisement made their families and communities experience socially excluded. They also told the story of the obstacles and missed opportunities due to lack of citizenship certificates, resulting in exclusion from the public services and facilities (particularly social security allowances, etc.) available from the local governments.

(ii) Effects of Economic Empowerment

The project made concerted efforts to prevent bonded labor by concentrating on livelihood- oriented skill development that would contribute to alleviating the bondage conditions by improving

livelihoods among the extremely poor households. However, a realization has been felt by the beneficiaries who received training that their skills must be linked with many other financial and



Organic Vegetable Farming operated by Ms. Rubi Mahara of Kamala Mai CBO of Kalyanpur Municipality in Siraha district

non-financial strategies that would enable them to operate their livelihoods in a sustainable manner.

As a means of economic empowerment, the RRN coordinated with the agencies such as Center for Technical Education and Vocation Training (CTEVT) and the local governments (rural municipalities) to organize training programs for the beneficiary communities from collective groups, CBOs and vigilance committees. Various short and longer-term livelihood-based skills training such as bamboo-basket and wild grass-stalk (locally known as Punj) basket making, bamboo-stool making, organic vegetable farming, mushroom cultivation, mason brick and stone work, cookery, Laha-bangle-making, grass-stem basket making, etc. were imparted with the objective of improving the livelihood opportunities for these potential bonded laborers in order to enable them for sustainable income generation by applying occupational skills in wage employment or self-employment. Of the beneficiaries who attended the skill development training, many of them have become capacitated to earn incomes by applying the vocational skills they have acquired in wage employment or self-employment.



Ms. Sudha Chaudhary, 22, is a member of the Shreenagar Community based organization, Rapti Rural Municipality-3, Dang district. She is a high school graduate, but stopped pursuing higher education due to poor financial condition. She received 20-day training on basket-making. These kinds of baskets, made from wild grass-stem locally called 'Munj' using colorful woolen threads, are largely sold during the wedding ceremonies of the Tharu community.

Nutrition to the family while earining cash income

Ms. Prema Chaudhary from Sahara Group (a CBO) in Tukuligarh of Lamahi municipality -3, Dang district, attended a 65-day mushroom farming training. Following the training, she is so excited with the harvest of 20 kg of mushroom being grown by her inside a small thatch-house. While she used half of the produce for home consumption, she earned some cash income from the sale of the other half. Using the practical experience gained from the first lot, she plans to expand her mushroom farming on a larger scale.



Laha-Bangle making workshop of Ms. Munni Kumari Yadav of Surunga Majdur Sangathan in Saptari district

Skills in hand prevented the family of Ms. Sita Chaudhari from becoming bonded laborer



In Nepal, it is often the women workers who work as laborers to carry bricks, mortar, cement and stones at construction sites. This is because it is usually men who work as actual mason. However, Sita Chaudhari, 43, who hails from Mukta Kamaiya Basti, Srinagar, Rapti Rural Municipality of Dang district has appeared herself to be an exception. She is a member of the RRN's project initiated Pragati Community Based Organization composed of 22 women and 10 men members. These days she works as a real mason. This has been possible as a result of her participation in a 65-day long mason training organized by Rapti Technical School. As a post training support, RRN provided her with a set of relevant tools which she has been using at her masonry work. Prior to becoming Mistri (a well versed mason) she used to work as a laborer that fetched her only NRs. 400 per day as compared to what (NRs. 700 per day) she earns these days. She lives with her husband (also a mason) and two daughters (students). She said that, with the present level of her income, she has been able to support her daughters' education thus preventing all of them from possibly becoming forced laborer. Of late, she has been able to establish her own identity as a Mahila Mistri (Woman skilled labor). She said that she plans to give up the share-cropping she has been doing due to her busy schedule with the present masonry job.

Project's Sustainability

Despite these efforts and successes, this project has revealed a number of key challenges and uncertainties for the potential bonded laborers. During the project implementation stage, it is often heard from the beneficiaries that promotion and possession of human rights

alone would not suffice. They realize that they have now been able to somehow operate their organizations, yet their key concern is preventing these organizations from disbanding because of their inability to operate for the benefit of the communities. For this reason, they feel a

need of further strengthening their managerial skills required for longer term operation and management of these organizations in a more effective and systematic manner. Though the project initiated local organizations (collective groups, vigilance committees, and community based beneficiaries would need constant support from the relevant development and government organizations for the sustainability and effective functioning after the project is phased out.

RRN embraced the skill development training in coordination with relevant organizations as a strategic action for economic capacity enhancement of the beneficiaries. To a significant extent, the project has been able to achieve its objective in this respect. The beneficiaries

who have been trained with vocational skills need whetting of their entrepreneurial skills to expand their business. This aspect certainly demands for the attention of the concerned government agencies for extended support to prevent these vulnerable communities from confronting worse social and economic conditions. This being the situation, the project would consider this aspect, and initiate necessary steps concentrating on the most relevant sustainability factors. Among others, the project's efforts would entail strengthening the institutional capacity of the beneficiaries' organizations, and linking these organizations with the relevant development and government organizations well before the project is finally phased out.

Good Practices

From the project's implementation perspective, we considered the task as a 'good practice' that directly or indirectly contributed to preventing potential bonded laborers from becoming real forced laborers or new form of bonded laborers.

Change in Attitude and Behavior: The project adopted social mobilization as one of the principal strategies towards preventing the potential bonded laborers from becoming forced laborers. The establishment and mobilization of social support structures, namely, Collective Groups, CBOs and Vigilance Committees at the community level has been a valid tool for securing the prevention of bonded laborers. The members of these social support structures consisted of the potential bonded laborers. Due to the orientation provided by the project through discussion, the members have become proactive in terms of putting their demands and claiming their human rights. While many of the beneficiary members of these social structures have been accustomed to the facilities and

services that are meant for public, available with the local governments, some of them have already been successful in receiving such benefits and services (e.g., allowances for Covid victims, citizenship certificates, relief package, marriage certificate and disability certificate, child-nutrition allowance, etc.). Their earlier attitude of relying on others, especially on the landlords for loan and daily wages, has been transferred to becoming self-reliant. Currently 14 people got citizenship, 15 people got marriage certificate and 6 people got disable certificate through local government.

Making capable of operating enterprises: The project's efforts of developing an entrepreneurship in the potential bonded laborers to enable



Acquiring a skill of bamboo-stool making, and generating significant amount of incomes out of it is a dream come true for Ms. Sundariya Devi Chaudhary of Birghana Collective Group in Surunga Municipality of Saptari district.



them to undertake business enterprise more systematically is a significant step toward their economic empowerment. Some of the project beneficiaries have been capable of operating business enterprises on their own; right from seeking the raw materials, engagement in production and marketing activities. Some of the examples are Laha-bangle making, bamboo-stool making, masonry work, vegetable farming, handicrafts (making of lady's bag, purse, hat, tray, etc. from the leaves of Thakal-palm (*Wallichia disticha*), and wild grass-stalk), etc.

Provision of Raw material and Buy-back guarantee of the products: The business agreement between the buyer (the business company that supplies Thakal-palm leaves as a raw material) and the seller (the project beneficiary who produces the goods using Thakal-palm leaves) for assured supplying the raw material and buy back guarantee of the products (in the case of goods made from Thakal-palm leaves) has contributed to the smooth operation of the enterprise without any hassle on the part of the producer for acquiring raw-material and marketing of the products.



A sustainable Thakal-palm leaves based enterprise for Ms. Babi Paswan of Bhabari Mai Collective group of Balkawatol in Siraha district

Lessons Learned

Awareness Creation: The project activities related to awareness-raising of various kinds alone do not result in behavioral changes, if the people do not realize meaningfully and act effectively upon them. For example, some beneficiary communities (in Saptari district) of this project no longer accept the practice of early-marriage as a result of their involvement in the project's advocacy and awareness-raising activities.

Social mobilization: Mobilization of locally established social support structures, such as collective groups, community based organizations and vigilance committees, could be an effective means for securing the prevention of bonded laborers, provided they are linked to relevant and enduring government organizations for the formers' meaningful existence, functioning and longer-term sustainability. For longer term sustainability, specific strategies especially training on operation and managerial skills are required to enhance their capacity including their access to resources when and where required.

Economic Empowerment: While the employment-oriented vocational skills

provided to the potential victims to prevent them from becoming forced laborers is a necessary condition, they are not sufficient in themselves. They should be accompanied with basic physical materials (such as tools, equipment or financial assistance) as post training support to enable them for utilizing the full potential of their learned skills leading to sustainable income generating activities and livelihoods. This is because not all the products produced by the communities, who received skills training, are directly linked to the assured market mechanism. While designing and implementing skill development, it is useful to have post training support to ensure the products' market linkages as well as address the sustainability issues.

Coordination between stakeholders: Coordination between the public and the community of private development partners with effective mechanisms for management of diverse resources plays a significant role in delivering development results, as it happened in the case of vocational skill training in this project.



Bhawarimai worker collective members attending monthly meeting at Golbazar Municipality-11 of Siraha district



Project staff and beneficiaries meeting about the nature and objectives of the project.

Rural Reconstruction Nepal (RRN) is a Nepali non-government, not for profit, social development organization. RRN has been working with the poor and marginalized people in rural Nepal to empower them in the process of meeting their basic needs, improving livelihoods and building their own institutions. It substantially contributes to rural people's empowerment and socio-economic reconstruction process, by embracing the rights-based approaches to development. RRN is also committed to creating an enabling environment for building a just, equitable, peaceful and prosperous society through social, economic and political empowerment of the rural poor, particularly the poor rural women, peasants, landless people and other disadvantaged and socially oppressed strata of Nepalese society. Besides implementing integrated community development programs at grassroots, it is also extensively engaged in advocacy, lobbying and networking at local, national and international levels to protect and promote human rights and social justice

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